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FEATURES OF LAND CONFLICTS IN POST CIVIL WAR RWANDA

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ABSTRACT Land conflicts in Rwanda have attracted particular attention because they have both environmental and political causes. This paper attempts to shed light on the nature of land conflicts in present-day Rwanda based on popular justice records and interviews collected in two rural areas. From the analyses of these data, two types of land conflict can be distinguished. The first type consists of those among family members. Given that land is the most important asset for ordinary rural households, its inheritance often brings about conflicts between right-holders. Those of the second type are triggered by political change. Impacts of the two national-level violent conflicts in Rwanda, the “social revolution” just before independence and the civil war in the 1990s, are of tremendous significance in this context. The military victory of the former rebels in 1994 caused a massive return of Tutsi refugees, who were officially permitted to acquire land from the original inhabitants. Although no serious protestation against this policy has occurred thus far, it has produced various land conflicts. Dealing with potential grievances among original inhabitants is an important challenge for the present government.

Key Words: Land; Conflict; Rwanda; Family; Politics.

INTRODUCTION

Much discussion has taken place with regard to the importance of land in African rural societies. The majority of the African population in rural areas is made up of farmers who depend on the land as their means of production. It is impossible for them to ensure food security without land. In addition to having economic value, land has significant political and symbolic value for many societies. Its importance has often led to conflict (Anseeuw & Alden, 2010). Due to complexity in the value of land, the causes of land conflicts tend, therefore, to be similarly complex; such causes may be economic, political, historical, symbolic, or a combination of these. Analyses of land conflicts can therefore shed light on the core problems of rural societies, thus contributing to establishing an effective land policy.

Rwanda is a tiny and densely populated country, where the great majority of the population lives in the countryside and is engaged in agriculture (Guichaoua, 1989; Bart, 1993). Land has been the central issue of the political economy in Rwanda for centuries; since at least the 17th century, Rwanda’s traditional kingdom has been based on intensified agriculture, and political leaders have continuously intervened in the distribution of land (Vansina, 2001). This state of intervention, and repeated violent conflicts, has politicized Rwandan land tenure. In other words,

Rwanda has seen the emergence of a particular state-society relationship, in which macro-level political changes strongly affect micro-level land distribution (Adriaenssens, 1962; André & Lavigne Delville, 1998; Takeuchi & Marara, 2009). In line with this trend, the present government, led by the Rwandan Patriotic Front (RPF), the former rebel group who took power in 1994, has actively intervened in land tenure, as shown in its policies for returned refugees, agriculture and the land itself (Bruce, 2009; Huggins, 2009; 2010; Ansoms, 2008; 2009; Pottier, 2006).

In this context, frequent outbreaks of land conflict in Rwandan rural society have attracted attention and are considered to be an alarming sign because the political turmoil caused by the civil war and the RPF's victory, in addition to the presence of land scarcity, has brought about considerable tension and confusion with regard to land tenure. Land has been the most common cause of conflict in contemporary rural Rwanda. It is well known that during the genocide in 1994, political leaders instigated the killings in rural areas by saying, "If you participated in the killing, you will be remunerated by the land." Emphasizing the seriousness of land conflict in Rwanda, Musahara and Huggins (2005) presented a pessimistic viewpoint, as expressed by one member of the society, who stated that, "Due to the pressures of land scarcity and the frequency of land disputes, the government is 'sitting on a volcano'" (p. 329).

This paper attempts to clarify features of land conflicts in present Rwanda. Although previous literature has made important contributions in elucidating the intentions of the Rwandan government with regard to rural society and the land, mainly through policy analyses, current situations as well as reactions on the ground have not been sufficiently discussed. Whether the aforementioned pessimistic view is relevant will be proven only by an analysis of land conflicts themselves. This paper examines the causes and context of land conflicts through legal documents and supplementary interviews, and discusses the characteristics and political implications of land conflicts. This examination will not only elucidate the nature of the commonest conflict in rural Rwanda but will also contribute to estimating under what conditions an eruption of the "volcano" is likely to occur.

CONDITIONS INFLUENCING LAND TENURE

Rwandan land tenure has been mainly conditioned by three factors: the natural environment, population, and politics. The country is situated over the highlands in the eastern area of the West Rift Valley. The famous expression—"A country of a thousand hills"—fits the central region particularly well, where countless hills extend as far as the eye can see. The Rwandan climate is conditioned by the topography: the further west, the lower the altitude, which entails warmer temperatures and lower levels of precipitation. The majority of the country is suitable for agriculture. High agricultural productivity has enabled a dense population to survive and the development of a traditional kingdom (Schoenbrun, 1993; 1998).

Today, Rwanda is one of the most densely populated countries in Africa, with

394 persons per km² in 2008 (World Development Indicators). The overwhelming majority of the population live in rural areas and are engaged in agriculture. According to a recent census, the agricultural population⁽¹⁾ reached up to 84% of the total population (Republic of Rwanda, 2010). As a result of intensive agricultural activity, given this high population density, arable land counted for 48.6% of the total land area in 2007; this figure was the highest among 48 Sub-Saharan African countries⁽²⁾ (World Development Indicators).

In societies of the Great Lakes Region, dense populations and intensified land use are common features. These features promoted the development of agriculture, which led, in turn, to the creation of centralized political communities in pre-colonial periods (d'Hertefeldt, 1962). Rwanda was the most centralized and the most militarily developed kingdom among them in the latter half of the 19th century. The state began to intervene in the allocation of lands as early as the 1840s, when the reserved pastoral estate granted by the king (*igikingi*, pl. *ibikingi*) appeared. Roughly speaking, it was a landlord system in which a small number of powerful pastoralists exploited other pastoralists and peasants (Nkurikiyimfura, 1994; Vansina, 2001). The pastoralists could be considered Tutsi, and peasants Hutu⁽³⁾. While the powerful pastoralists, who had been connected with the king and been provided with *ibikingi*, could afford the possession of enough areas for grazing, other small pastoralists and peasants suffered instability with regard to land rights, due to the land scarcity. They were obliged to pay tribute, as well as labor services in the case of Hutu peasants, to Tutsi chiefs, who had authority over land distribution (Reisdorff, 1952; Adriaenssens, 1962; Vansina, 2001).

At the end of the colonial period, Rwanda saw a revolutionary political change called the "social revolution" (Lemarchand, 1970; Reyntjens, 1985), which had an enormous impact on land tenure. This first-ever large-scale ethnic conflict resulted in the victory of the Hutu party, PARMEHUTU (Parti du mouvement de l'émancipation hutu), to the detriment of the Tutsi-led party, UNAR (Union Nationale Rwandaise). Consequently, the existing political system dominated by Tutsi elites was overthrown; as many as 200,000 to 300,000 UNAR supporters and their families, most of them Tutsi, were expelled or fled from the country by the mid-1960s. They were called "old-case" refugees. After the massive outflow of old-case refugees, vast lands without owners were left behind, and then confiscated by local authorities, who were now local leaders of the PARMEHUTU party. These local authorities, especially the Burgomasters (chiefs of Commune)⁽⁴⁾, wielded enough official power to distribute the confiscated lands (André & Lavigne-Delville, 1998: 161; Pottier, 2006: 515). Many lands, which had originally been possessed by Tutsi families or reserved for *ibikingi*⁽⁵⁾, were therefore arbitrarily distributed.

The RPF's victory in 1994 was another revolutionary change and had a tremendous impact on Rwandan land tenure, although the impact was reversed in terms of ethnicity. The second generation of old-case refugees in Uganda had organized the RPF. Its core members were, therefore, Tutsis. Consequently, the RPF victory in 1994 triggered the massive return of old-case refugees to Rwanda⁽⁶⁾. Due to guidance from the public authority, they tended to stay in the eastern part of the country, where lands were relatively abundant, and acquired their land

properties by dividing those of the original Hutu owners⁽⁷⁾ (Musahara & Huggins, 2005; Huggins, 2009; 2010; Takeuchi & Marara, 2005; 2009). The policy was called “land sharing,” although it was, in reality, a complete division of land property. Some individuals, despite the public guidance, returned to their homeland, where their family had lived before becoming refugees. Those who went back to their homeland were also officially confirmed to have a right to claim the land that had been part of their family lands⁽⁸⁾. As we will see in the following sections, this recent political change has caused many land conflicts.

In addition to the land allocation policy for old-case returnees, the RPF-led government implemented a series of policies related to the land itself, aiming for its effective and efficient use. Especially important, among other policies, was the stipulation of two laws that were deeply concerned with land: the inheritance law in 1999 (Law No. 22/1999) and the land law in 2005 (Law No. 18/2005)⁽⁹⁾ (Pottier, 2006; Musahara & Huggins, 2005). The two laws ensured equal rights of land inheritance for women, who did not have this right in the context of customary law. The stipulation of these laws provided women with a legal basis for claiming their land rights, thus causing an increase in land conflicts, as we will see later.

METHODOLOGY

Authors have conducted field research in two contrasting cells⁽¹⁰⁾ in the Southern and Eastern Provinces of Rwanda since 1999 (Takeuchi & Marara, 2000; 2005; 2007; 2009). Cell B is situated at an altitude of approximately 1,700 to 1,800 m, near Butare Town in the Southern Province. With relatively cool weather and abundant rainfall, the area is generally suitable for agriculture. Not far from Nyanza, the last capital of the traditional kingdom of Rwanda, this area was situated in the political center during the precolonial era. For these reasons, the population density in this area has been very high, thus promoting the fragmentation of land tenure.

Cell R is included in a sector adjoining the Akagera National Park. Although the area was originally regarded as a part of the national park, internal migrants from central Rwanda began to settle in the 1970s in pursuit of land. After the civil war in the 1990s and the victory of the RPF, a huge number of old-case returnees installed in the area. The government later reorganized local administrative units to exclude Cell R from the park. Because of its relatively low altitude (approximately 1,300 m), the Eastern Province has generally high temperatures and little rainfall, thus lessening the population density compared with other parts of the country⁽¹¹⁾. Traditionally, raising cattle has been the main activity of the inhabitants.

We attempted to identify the characteristics of land conflicts in the two cells by combining investigations into judicial records with interviews. As for judicial records on land conflicts, we consulted records of the local mediation committee, the *abunzi*, which was established in each cell. This local system of conflict mediation was introduced to Rwanda in 2007⁽¹²⁾. Members of the *abunzi*, working

as mediators, are selected among local inhabitants and work voluntarily without salary for conflict resolution in the cell.

The *abunzi*'s authority is not very strong. Although it can deal with civil cases as well as criminal cases, its activities are limited to mediation. The *abunzi* is expected to undertake mediation before conflicts are brought to local courts. If the concerned parties are not satisfied with their recommendation, they can bring the case to the local court. The *abunzi*, thus, contributes to reducing the burden on local courts. It was, in fact, the main reason behind the introduction of the *abunzi*. This does not mean, however, that the authority of the *abunzi* is negligible. Investigations, discussions, and decisions of the *abunzi* are submitted as official documents if the case is brought to a local court. The *abunzi* virtually functions as a first-instance trial of justice.

We systematically investigated the *abunzi* files in the two cells. For Cell B, we checked 127 cases from January 2007 (when the *abunzi* system launched) to November 2008. For Cell R, 39 cases between July 2008 and January 2009 were collected⁽¹³⁾. In both cells, we found that conflicts concerning land are overwhelmingly predominant among the *abunzi* cases⁽¹⁴⁾, while types and causes are various. In other words, land is the most common cause of conflict in rural Rwanda⁽¹⁵⁾.

Although the frequency of land conflicts in rural Rwanda is clear, judicial records are often insufficient for understanding the reasons and backgrounds of conflicts. Supplementary explanations by concerned parties are needed. For this reason, we conducted a series of interviews during our research trip in February 2010 with presidents of the *abunzi* in the two researched cells in order to clarify the background of each land conflict case. Due to the addition of new cases that had occurred after our previous visit, 50 cases of land conflict in Cell B and 61 cases in Cell R were examined in detail during the interviews⁽¹⁶⁾. The lists of these cases are shown in the Annexes. The following analyses of land conflicts are based on these data.

FEATURES OF LAND CONFLICTS

Land conflicts in Rwanda have two main causes. One is concerned with family and inheritance. The other is related to political changes in contemporary history. The two factors are often closely connected and mutually reinforcing in the production of conflicts.

Table 1 shows a rough classification of land conflicts according to their causes. The column "familial" includes the number of land conflicts that occurred among

Table 1. Causes of Land Conflicts

	Familial	Political	Others	Total
Cell B	32(64%)	8(16%)	10(20%)	50(100%)
Cell R	20(33%)	22(36%)	19(31%)	61(100%)
Total	52(47%)	30(27%)	29(26%)	111(100%)

Source: Authors' data.

family members. The column “political” contains those that occurred for political reasons, such as the return of old-case refugees, long refugee absences, and/or arrest based on the suspicion of genocidal crime, and payment for *gacaca* ⁽¹⁷⁾. If a case was caused by both factors (as in Case 12), we classified it into the “political” column. The table shows the two characteristics of Rwandan land conflict. First, family disputes outnumber other reasons in total. Land conflicts were the most likely to occur among family members. Second, the characteristics of land conflict varied from one region to another. In Cell R, where many old-case returnees came in and acquired land, political factors have become the main causes of land conflicts. In this section, the causes and backgrounds of land conflicts are examined based on case analyses.

I. Family and Inheritance

Inheritance is an official occasion to confirm an individual’s right to land, which constitutes the most important asset for ordinary rural households in Rwanda. It is, therefore, quite natural that disputes relating to this asset tend to occur within families at the time of inheritance. The fundamental rules for inheritance are not complicated in Rwandan customary law. Rwanda is a patrilineal society, in which sons have equal rights to acquire inherited land from their father. The inherited land, called “*umunani*” (pl. *iminani*), is regarded as familial property, which cannot be disposed of by means of personal reasons in a customary context.

Disputes can occur, even if the rule is clear, when land is scarce and everyone wants to inherit larger parcels. Women’s land rights have often been a source of conflict. Although daughters did not have a right for *umunani* in the customary law, they could inherit their land property, depending on the circumstances⁽¹⁸⁾. In addition, women’s land rights were recently strengthened because of the inheritance law and the new land law. We found a number of land conflict cases brought to the *abunzi* by women⁽¹⁹⁾, who consequently endorsed their claims for their own lands.

Moreover, problems tend to be complicated by intricate family relations, caused, in particular by diverse and complex forms of conjugality such as polygamy, unofficial marriage, and changes of spouses due to divorce or death. Although the definition of right-holders to the land is indispensable in order to settle disputes among families, it is not often easy. Let us examine some cases brought to the *abunzi*.

Case 1 (Cell R, 8/18/2008, No. 3)

NP’s husband had cleared the forest to open up a large field before he died at a young age. At the time of his death, NP had a baby and had again become pregnant. After the death of her husband, she was in conflict with NT, her father-in-law, who finally chased her away from home. She returned to her home village. However, when she became aware that NT had sold the field that her husband had cleared, she went to see the burgomaster to appeal her rights for the field. The burgomaster endorsed her rights and even arrested NT, ordering him to pay back the money obtained from selling the land and

to return the field to NP. Nevertheless, NT did not obey the order.

After the war and genocide in 1994, many fled to neighboring countries as refugees. When NT returned to the cell, he was arrested on suspicion of having participated in a genocidal attack. The situation, however, did not change, as his family refused to return the field to NP. She consulted a chief of the cell and sector, and then brought the problem to the *abunzi*, when it was established. Because it was a large field, exceeding 2 ha, the *abunzi* recommended a compromise. They finally agreed to divide the field equally.

Case 2 (Cell B, 5/15/2009, No. 202)

NB was a common-law wife of NC. She asked for NC to give her a field for cultivating food crops. NC's first wife had passed away earlier. She had only one child, a daughter, who had married and lived in Bujumbura. NC had two common-law wives. NB had three children, and the other had one. The *abunzi* concluded that NC had to provide inherited lands (*iminani*) for the four children of his common-law wives. The *umunani* for the first wife's daughter was not taken into consideration in this case because the *abunzi* determined that NC would be able to give *umunani* to her separately, as he had relatively large family lands.

Case 3 (Cell B, 6/20/2008, No. 107)

MG demanded that her uncle, MS, redefine the borders of the inherited lands. Their parents had died many years previously. The *ingaringari*⁽²⁰⁾ of their parents was divided in 1985 among MS, MB, and AN. MG did not receive any parcel at that time because she was considered too young and ill. Though MG had suffered from mental illness for many years, she had recently recovered and asked for her due portion of family lands. The *abunzi* recommended dividing the *ingaringari* among the four family members (Fig. 1).

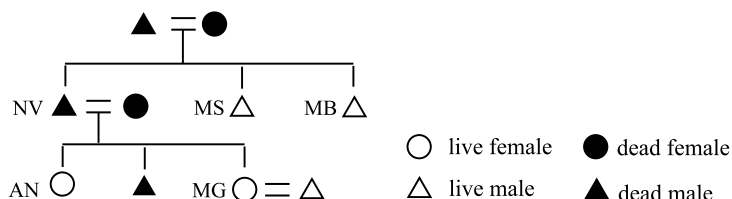


Fig. 1. The Genealogy on Case 3.
Source: The authors' interview.

The first three cases are disputes concerning women's rights to land. Case 1 shows that a widow's land right was normatively recognized even before the introduction of the inheritance law. In Case 2, the rights of common-law wives' children were protected. Considering the concerns expressed in previous literature regarding the danger of children of common-law wives not being ensured their

inheritance rights (Pottier, 2006: 519), the *abunzi* seems to have provided a well-balanced recommendation based on their local knowledge. In Case 3, the *abunzi* took the appeal from a woman into consideration and recommended redefining the distribution of family lands. The president of the *abunzi* explained that MG's demand had been inspired by the new laws recognizing women's inheritance rights.

Case 4 (Cell B, 10/29/2008, Nos. 120 and 122)

EV was in conflict with his late father's first wife (NT), who had refused to divide lands with him. NT and her three sons insisted that EV did not have a right of *umunani* because he was not a member of their family. As his father (MG) had several wives, it was not easy to determine who precisely had the right for family lands. Although there were other family members who endorsed EV's affiliation with the family, NT and her three sons intransigently refused his right. The *abunzi* recommended NT and her sons recognize EV's right on the basis of other family members' opinions as well as the fact that EV's features resembled those of NT's three brothers. However, they did not accept the recommendation, and brought the problem to the local court. The court endorsed the *abunzi*'s decision.

Case 4 shows the complexity of family relations. Determining family membership is difficult because it is deeply related to resource allocation. Interests tend to be in strong opposition among the concerned parties. Considering that it is sometimes difficult to solve problems among family members, mediation with the local institution can play a positive role in the resolution of such disputes.

Land conflicts tend to break out when different types of rights clash in relation to the land. The logic surrounding communal/familial possessions and that of individual property are often opposed, thus producing conflicts. In Rwanda, lands are generally managed at the level of a nuclear family because of land scarcity and fragmentation. Transaction of lands through the market, such as purchasing and borrowing, is commonly observed (Takeuchi & Marara, 2007; Republic of Rwanda, 2010: 37). However, the ideology of the familial possession remains influential. Even today, it is widely recommended to announce to family members in advance the selling of family lands.

Case 5 (Cell B, 8/16/2008, No. 112)

TT grew up in the home of his grandfather (NZ) because his mother had died before the official marriage when he was a child. NZ gave TT a field as *umunani*. Considering the present villagization policy, he decided to sell his land in order to move nearer to paved roads. He thus sold a banana field to a rich neighbor, NJ, around 2005. Hearing this news, HF was so discontented with the sale that he hindered NJ from working in the banana field. NJ complained to TT about the acts of HF. Therefore, TT decided to bring the issue to the *abunzi*, which endorsed TT's legal right to sell the field (Fig. 2).

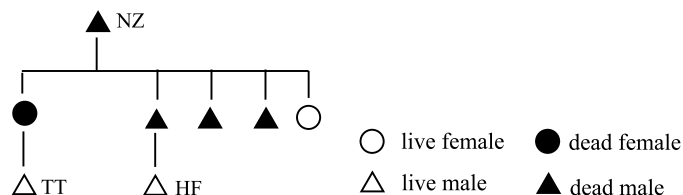


Fig. 2. The Genealogy on Case 5.

Source: The authors' interview.

While the *abunzi* recognized TT's disposal right, the president of the *abunzi* was somewhat critical towards TT in the interview, and told us that the selling of *umunani* should be announced to family members in advance. According to his opinion, although the new land law is based on the principle of individual property, the ideology of family possession remains strong. He said that the *abunzi* should, therefore, be aware of the reality on the ground⁽²¹⁾.

II. Influences of Political Change

The second important factor associated with Rwandan land conflicts is that of recent political change. As explained in the previous section, Rwanda has a long history of state intervention in relation to the land. In this context, the two revolutionary political changes (the "social revolution" and the victory of the RPF) had tremendous impact on land tenure. The victory of the RPF in 1994 and the subsequent massive return of old-case refugees brought about a number of land conflicts.

Two different patterns can be found among land conflicts triggered by the return of old-case refugees. The first pattern is observable in Cell R, where land-sharing between old-case returnees and original inhabitants was actively implemented and caused many disputes of a political nature (Table 1). We should, however, be aware that the conflicts dealt with by the *abunzi* were rather exceptional cases. Because land-sharing is a governmental policy for the benefit of old-case returnees, it is beyond argument. Although dividing land property was undoubtedly not an easy decision for peasants, they had no choice but to accept the policy and give half of their land property. They relied on the *abunzi* only when they felt additional injustice.

Case 6 (Cell R, 12/23/2008, No. 29)

GS was an old-case returnee who was not yet married and appeared to be younger than 30 years of age. While his parents benefited from land-sharing in another cell, GS came to Cell R alone and occupied GV's fields. GV refused to divide his land for GS and brought the issue to the *abunzi*. He insisted that GS could not claim land because his parents had already acquired it. The *abunzi* concluded that GS should be provided with land because he was old enough to have his own field.

Case 7 (Cell R, 12/1/2009, No. 133)

After the civil war, KF divided his lands with an old-case returnee. Later, the returnee sold the land he had acquired from KF to another man, HG. Following the official guideline, HG paid 6% of the purchase price to the authority. When KF was informed of this transaction, he brought the case to the *abunzi*, claiming that the land should be given back to him because parcels acquired through land-sharing were forbidden to be sold. The *abunzi*, however, endorsed the validity of the transaction on the basis of HG's payment to the authority. They judged that the transaction was legal.

In Case 6, the problem was whether a young, unmarried, old-case returnee could implement land-sharing while his parents had already benefitted from it. In such a case, the land-sharing has been generally admitted, as the authors reported a similar case in Cell R (Takeuchi & Marara, 2005). Case 7 shows that the transaction of lands, which were originally transferred by land-sharing, had been increasingly liberalized. At the outset, the sales of divided parcels were, in principle, prohibited. Later, it was allowed under the condition that buyers paid 6% of the purchase price to the authority. The obligation of a 6% payment was subsequently abolished. When the authors carried out this research in February 2010, the authority recommended, instead, that the selling of land should be announced beforehand to the original owner, though it is not an obligation.

Case 8 (Cell R, 8/18/2009, No. 125)

MK, an old-case returnee, occupied the lands of KR after the war. During the occupation, MK demolished KR's house to construct a new one. In the meantime, KR remained in prison for many years. When KR got a temporary release in 2005, he claimed his right to half of the land because MK had occupied the entirety of his property. Subsequently, KR returned to prison as a result of a *gacaca* trial. When he finally got out of prison in March 2009, he requested that the *abunzi* take back his land because MK continued to occupy the entirety of his property. The *abunzi* recommended dividing the land equally, and that MK should pay 200,000 Rwandan Francs (Frw) in compensation for demolishing the house.

While old-case returnees are generally privileged in the sense that their land rights tend to be prioritized over those of the original inhabitants, Case 8 indicates that their unlawful acts were punished. The *abunzi* often rejected excessive demands from old-case returnees.

The second pattern of land conflict caused by the return of old-case refugees can be found in Cell B, where disputes occurred between inhabitants and old-case returnees who had lived there before the "social revolution." Although old-case returnees were officially recommended to stay in the eastern part of the country, in which land was relatively abundant, some of them came back to where their family lands had existed.

Case 9 (Cell B, 11/7/2008, No. 124)

NK was an old-case returnee who came back from Burundi. NK claimed MT's land, which MT had been given by the burgomaster in 1965. The *abunzi* endorsed NK's claim. According to the *abunzi* investigation, the land belonged to the subchief⁽²²⁾ RD in the colonial period. MH, one of RD's *umugaragu*⁽²³⁾ and the father of NK, inherited it after RD's death, although MH was later obliged to flee to Burundi in 1961 due to the "social revolution." After independence was achieved, MH's land property was confiscated by the local administration and distributed to MT in 1965. The *abunzi* recommended that the entirety of MT's fields in Cell B should be transferred to NK and her family because MT had land properties in other places.

Case 10 (Cell B, 8/14/2007, No. 66)

MR was an old-case returnee of approximately 80 years of age. He accused KI of illegally occupying his family land. KI insisted that the land belonged to NR's family and that she had inherited the right from NR and his son FW. KI came to Cell B in 1973 to marry FW, who was killed during the genocide in 1994. They were a Tutsi family. The *abunzi* investigation revealed that the land belonged to RD, MR's father.

RD was a subchief in this area in the colonial period, and died in a traffic accident in the 1950s. NR was RD's *umugaragu*. MR fled to Burundi in 1961, due to the "social revolution," but NR and his family chose to stay in Cell B.

After the RPF victory in 1994, MR returned from Burundi and lived in Kigali. He began to claim his land rights in Cell B in 2006. While he was not completely satisfied with the decision of the *abunzi*, because he believed that RD's land property had been much larger than the area that the *abunzi* had allowed to him, he was to some degree appeased because his land rights were officially acknowledged (Fig. 3).

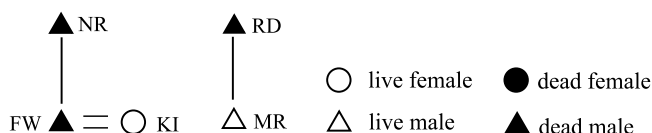


Fig. 3. The Genealogy on Case 10.

Source: The authors' interview.

The above two cases are related to the lands of the former subchief RD. Although the family controlled large areas in the colonial period, many of them fled abroad due to the "social revolution." The land left behind was often confiscated by the local administration and distributed to Hutu peasants, as Case 9 shows. In Case 10, an *umugaragu* of the subchief occupied the land after the departure of his patron. In this case, the old-case returnee (Tutsi) accused the survivor (Tutsi) of occupying the land illegally.

The "social revolution" was not the only political event causing subsequent land conflicts. After independence was achieved, the persecution of the Tutsi often

occurred under the dominance of the Hutu elite, as the next example demonstrates.

Case 11 (Cell B, 2/6/2009, No. 207)

TJ accused NP of illegally occupying his land. TJ's family (Tutsi) previously had extensive land properties. In 1973, however, the conseiller (a sector chief) confiscated, by force, a part of their land to give to NP's husband, who was the conseiller's follower and favorite. TJ had no choice but to accept the requisition amid the anti-Tutsi atmosphere under the Hutu-led regime. He recently decided to bring the case to the *abunzi*, who judged that the land had been taken up forcibly and therefore should be given back to TJ.

Among recent political changes, the *gacaca* trial has had enormous impacts on rural society in general and on land conflicts in particular. In *gacaca*, perpetrators of category 3 crimes, i.e., those who had committed crimes against property, were ordered to make reparation payments, thus causing many cases of land selling to make money. This has often triggered land conflicts among family members.

Case 12 (Butare, 7/24/2009, No. 203)

MA, born in 1991, accused her grandmother NB (born in 1948) of having sold her lands without consulting her. NB sold the land to make money for the reparation of damages done during the genocide because SY, NB's husband as well as MA's grandfather, had been ordered at the *gacaca* to pay 761,000 Frw for reparation. The *abunzi* recommended that NB give back to MA and her brothers the same size of fields that she had sold (Fig. 4).

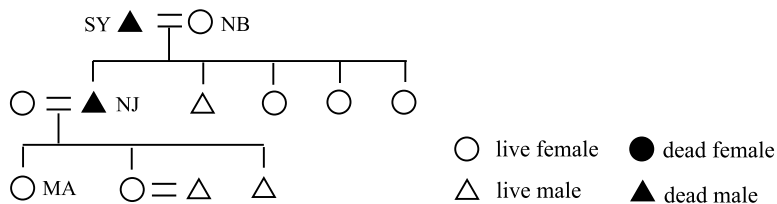


Fig. 4. The Genealogy on Case 12.
Source: The authors' interview.

The president of the *abunzi* explained that they knew SY had extensive lands, so that NB would be able to find the land for MA. For her part, MA was also obliged to pay 270,000 Frw for reparation, due to the crime of her father NJ.

CONCLUSION

This paper examined some examples of land conflict in today's Rwanda by investigating cases involving the *abunzi*, through which two principal patterns have emerged. One is that of conflict within families. Inheritance tends to trigger

conflicts because land is the most important asset for ordinary peasants. In addition to the general scarcity of land, the introduction of new laws guaranteeing women's rights seems to have increased the number of land conflicts among families. The new norm in terms of women's land rights has been penetrating Rwandan rural society.

The other is that of conflict due to political factors. The Rwandan political regime recently experienced a revolutionary change, because of the military victory of the RPF, causing a massive return of old-case refugees. Due to the RPF-led government policies supporting their acquisition of land, many peasants were obliged to divide their fields. Although we have collected a number of land conflict cases concerning old-case returnees, these may only be the tip of the iceberg. As land-sharing for old-case returnees is officially recommended under the present regime, people generally tend not to voice their discontent because to do so would not only be in vain but politically dangerous.

Comparing the characteristics of the two conflict types, it is clear that they have different implications and risks. On one hand, land conflicts in families are basically apolitical. Their frequent outbreaks may indicate the rampant poverty and social tension in Rwandan rural society, but it is unlikely that they would result in political protestation. They are, rather, related to the long-term challenges of Rwandan rural development. On the other hand, land conflicts regarding old-case returnees are politically more dangerous. The antagonism between old-case returnees and original inhabitants can be ethnicized because the former are Tutsi and the latter, generally, Hutu. The on-the-ground reality is, obviously, not so simple. As Case 10 clearly shows, the opposing parties in land conflicts do not necessarily coincide with the ethnic affiliation. It is, however, imaginable that grievances with regard to land-sharing may be utilized for the instigation of ethnic extremism.

Instead of a volcanic eruption, violent conflicts can be prevented if their causes are well understood and countermeasures are taken. To this end, initiatives for poverty reduction as well as measures attenuating the negative impact of returnees with regard to land problems should be promoted.

NOTES

- (1) The agricultural population refers to the number of people belonging to agricultural households, which are defined as "Households where at least one member was engaged in any of the following: agricultural activities, livestock, fisheries, forestry or bee-keeping" (Rwanda, 2010: 9).
- (2) World Development Indicators follow the definition of arable land by the FAO, as land under temporary crops (double-cropped areas are counted once), temporary meadows for mowing or for pasture, land under market or kitchen gardens, and land temporarily fallow. Land abandoned as a result of shifting cultivation is excluded.
- (3) We do not have enough space to explain the process of ethnic formation (Tutsi, Hutu, Twa) in Rwandan history. See Vansina (2001) and Newbury (1988) for detail.
- (4) The Commune was a local administrative unit that was introduced at the time of independence. Originally, it corresponded to a sub-chieftdom in the colonial period.

The Commune provided a much stronger and more substantial authority, such as land distribution and tax collection, than did other local administrative units. The unit was abolished at the administrative reform in 2001, and was reorganized into the unit of "District."

- (5) The *Ibikingi* was legally abolished in 1960. See Reyntjens (1985: 209).
- (6) Estimation of the number of returnees is difficult. It has been estimated at 600,000 (Huggins, 2009: 69), 700,000 (Bruce, 2009: 112), and 900,000 (Office of United Nations Resident Coordinator for Rwanda, 2000: 2).
- (7) The original owners are often called "new-case" refugees because they took refuge after the 1994 genocide in neighboring countries.
- (8) The guidance of the local authority was as follows: (1) if the actual owner does not live on the site claimed by an old-case returnee, and if he/she possesses land elsewhere, the entirety of the claimed land should be given to the returnee; (2) if the actual owner lives on the site of the claimed land, and if he possesses land elsewhere, the claimed land should be given to the returnee, except the house and its surroundings; and (3) if the actual owner lives on the site of the claimed land, and if he has no land elsewhere, the land should be equally divided between both parties. This guidance is well known throughout the country (interview conducted with a sector chief in former Cell B area on August 16, 2002).
- (9) The new land law was generally characterized by the concepts promoting efficient land use. Owners are obliged to use lands "in a productive way" (Art. 62), and are to be penalized if they fail "to respect the obligation of efficiently conserving the land and productively exploiting it" (Art. 73). In addition, in order to prevent the fragmentation of land, the law promotes "the consolidation of land," defined as "a procedure of putting together small plots of land in order to manage the land and use it in an efficient uniform manner so that the land may give more productivity" (Art. 2), and stipulates that "it is prohibited to reduce the parcel of land reserved for agriculture of one or less than a hectare" (Art. 20). Although these clauses can cause conflicts if they are rigidly applied, the authority has not, thus far, taken measures toward the strict application of these clauses.
- (10) "Cell" refers to the smallest Rwandan administrative unit, which contains at least one salaried official. Several cells compose a sector, which is organized with other sectors into a district. A province, being composed of several districts, is the largest local unit.
- (11) According to the 2002 national census data, the population density per km² of Butare prefecture (where Cell B was located) was 386, while that of Umutara prefecture (where Cell R was located) was 100 (République rwandaise, Service national de recensement, 2003: 17).
- (12) Based on the Organic Law No. 31/2006, the *abunzi* system was launched at the beginning of 2007.
- (13) Collection of these data was carried out during our visit in November 2009. In Cell R, the first *abunzi* committee, established in January 2007, had ceased their activity before July 2008 due to allegations of corruption. We could not consult documents under their management because they had already disposed of them.
- (14) For details, see especially Figs. 3 & 4 in Takeuchi & Marara (2009).
- (15) This agrees with the argument of Musahara & Huggins (2005).
- (16) Although the period of data collection was shorter in Cell R than in Cell B, the former's number of land conflicts was greater than the latter's. There are two possible reasons for this. One involves the number of old-case returnees. Considerable numbers of old-case returnees were installed in Cell R after 1994 and carried out land-sharing, thus causing many disputes. The other is the influence of the land registration policy. The government

implemented pilot projects of land registration in the Eastern Province. In 2009, they were carried out in Cell R's neighboring areas. The officials explained to people that a plot would be registered only when it had no conflict with regard to ownership. People therefore rushed to the *abunzi* in order to resolve ambiguous cases before the registration (interview with the president of the *abunzi* in Cell R; February 10, 2010).

- (17) The *gacaca* refers to a popular justice introduced to Rwanda for the purpose of judging genocide criminals (Waldorf, 2006; Ingelaere, 2009).
- (18) For instance, the *umunani* is likely to be provided to a daughter if she has no brother or if she has come back from her husband's family due to divorce or bereavement. Moreover, parcels granted to women under the name of the *inkuracyobo* and the *uwiteto* are considered to be their individual properties. *Inkuracyobo* refers to assets (such as land and cattle) given to a child who took care of their old parents. Usually, the youngest son or daughter tends to be granted it. If parents give a valuable present, such as land or cattle to their daughters, it is called *uwiteto*. Contrary to the *umunani*, the recipients of the *inkuracyobo* and the *uwiteto* can dispose of them as they wish.
- (19) For instance, 26 of 50 cases of land conflict registered in Cell B were brought to the *abunzi* by female accusers.
- (20) The *ingaringari* refers to the remnants of family lands left after the provision of *iminani* for children. It is used for the subsistence of aged parents, and will be left after their death for the youngest child (a son or an unmarried daughter) who takes care of them.
- (21) In fact, we found a case in which the *abunzi* considered a land sale without a prior announcement to be invalid (Cell R, No. 129).
- (22) "Subchief" refers to a chief of a subchiefdom, the lowest local administrative unit in the colonial period. The subchief had considerable power in Rwanda before the "social revolution." See Reyntjens (1985) and Note 4 of this paper.
- (23) Before the "social revolution," Rwandan society included a patron-client relationship called "*ubuhake*," which was characterized by the exchange of a cow from the patron and an allegiance from the client. The *umugaragu* refers to a client in this relationship. He might be either a Hutu or a Tutsi.

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Appendix 1. Land Conflicts Registered to the *Abunzi* in Cell B

No.	First received date	Sex of the accuser	Sex of the accused	Problems
9	1/26/2007	f	m	Dispute on distribution of family lands.
10	1/31/2007	f	m	Underleasing a field of banana without consent.
11	2/2/2007	m	m	Moving border marks without permission.
14	2/16/2007	f	f	Demand for the family land.
34	5/5/2007	m	f	Selling a part of family land without announce in advance.
35	5/5/2007	m	f	Cutting trees without permission.
38	5/25/2007	m	m	Border dispute.
40	6/1/2007	m	f	Border dispute.
45	6/13/2007	m	f	Dispute on land leasing.
50	6/22/2007	m	f	Trouble on the management of family lands.
52	6/26/2007	f	m	Trouble on the management of family lands.
54	7/3/2007	m	m,m,m	Demand of an old-case returnee for his family lands.
55	7/18/2007	f	f	Dispute on distribution of family lands.
58	8/3/2007	f	f	Dispute on distribution of family lands.
65	6/18/2008	f	f	Selling a part of family lands without announce in advance.
66	8/14/2007	m	f	Demand of an old-case returnee for his family lands.
67	9/5/2007	f	f	Selling a part of family lands without announce in advance.
92	12/14/2007	f	f	Dispute on distribution of family lands.
93	12/14/2007	m	m	Border dispute.
94	2/8/2008	m	m	Demand of an old-case returnee for his family lands.
95	2/15/2008	f	m	Dispute on distribution of family lands.
97	3/7/2008	m	m	Dispute on land leasing.
98	3/7/2008	m	m	Dispute on selling of family lands.
99	3/21/2008	m	m	Dispute on selling of family lands.
103	5/23/2008	f	m	Dispute on selling of family lands.
104	6/13/2008	m	m	Border dispute between brothers.
107	6/20/2008	f	m	Dispute on distribution of family lands.
111	8/2/2008	f	m	Dispute on distribution of family lands.
112	8/16/2008	m	m	Dispute on distribution of family lands.
116	9/12/2008	m	f,m	Dispute on distribution of family lands.
117	9/12/2008	f	m	Border dispute between family members.
120	10/29/2008	m	f	Dispute on distribution of family lands.
122	10/24/2008	m	m,m,m	Dispute on distribution of family lands.
124	11/7/2008	f	f	Demand of an old-case returnee for his family lands.
125	11/14/2008	f	m	Dispute on purchase of family lands.
129	6/19/2008	f	m	Dispute on distribution of family lands.
133	n.d.	m	f	Dispute on land selling.
201	8/17/2009	f	m	Demand of land division from a wife.
202	5/15/2009	f	m	Demand of land by two common-law wives and their children.
203	7/24/2009	f	f	Dispute on selling of family lands for Gacaca payment.
206	3/6/2009	m	m	Dispute on distribution of family lands.
207	2/6/2009	m	f	Demand for return of a land, taken by the order of local administrator in 1973.
208	8/8/2008	f	m	Dispute on distribution of family lands.
209	8/21/2009	f	f,m,f,m,f	Dispute on distribution of family lands.
210	9/4/2009	f	m,m	Dispute on selling of lands.
211	10/9/2009	f	m	Border dispute between family members.
212	11/27/2009	f	f	Dispute on distribution of family lands.
213	1/30/2009	m	m,m	Demand of an old-case returnee for his family lands.
214	11/30/2009	f	m	Demand of land by two common-law wives and their children.
215	3/6/2009	m	f	Demand of an old-case returnee for his family lands.

Source: Data collected by authors.

Appendix 2. Land Conflicts Registered to the *Abunzi* in Cell R

No.	First received date	Sex of the accuser	Sex of the accused	Problems
3	8/1/2008	f	m	Demand of a widow for her late husband's field.
5	10/4/2008	m	m	Dispute on the selling of divided land.
6	10/9/2008	f	m	Dispute on border between fields.
7	10/21/2008	m	m	Dispute on distribution of family lands.
12	8/11/2008	m	m	Border dispute.
14	10/7/2008	m	m	Dispute on land distribution between brothers.
15	10/13/2008	f	m	Dispute on family lands.
16	10/1/2008	m	f	Dispute on distribution of family lands.
22	8/18/2008	m	m	Selling a field that had been entrusted by a neighbor.
23	8/25/2008	m	m	Demand to return an occupied field.
24	12/13/2008	m	m	Border dispute between brothers.
25	12/16/2008	m	m	Border dispute between brothers.
28	12/9/2008	m	m	Dispute on allocation of family lands for an orphan.
29	12/23/2008	m	m	Land division with an unmarried old-case returnee.
30	1/6/2009	m	f	Border dispute between an old-case returnee and an original land owner.
36	10/13/2008	f	m	Border dispute on land selling.
37	12/23/2008	m	m	Border dispute between neighbors.
101	7/27/2009	m	m	Dispute on land division. A family member of the original owner demanded to divide once again.
102	12/22/2009	m	m	Demand for the return of land occupied by old-case returnees.
103	8/14/2009	m	m	Dispute on distribution of family lands.
104	11/24/2009	m	m	Border dispute between neighbors.
105	10/20/2009	f	m	Land division by a Tutsi who is not an old-case returnee.
106	11/3/2009	m	m	Dispute on distribution of family lands.
107	8/1/2009	m	m	Demand to return a parcel requisitioned for imidugudu policy.
108	8/18/2009	m	m	Selling land for the Gacaca payment.
109	7/28/2009	f	m	Demand for family land.
110	9/8/2009	church	m	Border dispute.
111	2/24/2009	m	f	Land division by a Tutsi who is not an old-case returnee.
112	1/23/2009	m	m	Dispute on land occupation by a neighbor.
113	9/29/2009	m	m	Dispute on land occupation by a neighbor.
114	9/29/2009	m	m	Occupation of afforested area by an old-case returnee.
115	9/22/2009	f	f	Demand of family land by a widow.
116	9/1/2009	m	m	Dispute on land distribution between family members of old-case returnee.
117	9/1/2009	f	m	Confirmation of border marks.
118	7/28/2009	m,f	m,m	Confiscation of land for the Gacaca payment.
119	6/2/2009	f	m	Dispute on belonging of land.
120	6/16/2009	f	cooperative	Border dispute.
121	6/20/2009	f	church	Dispute on belonging of land.
122	6/30/2009	m	m	Dispute on land selling.
123	5/19/2009	m	f	Dispute on distribution of family lands.

124	6/30/2009	f	m	Dispute on belonging of land between an original inhabitant and an old-case returnee.
125	8/18/2009	m	m	Dispute on belonging of land and house between an original inhabitant and an old-case returnee.
127	6/9/2009	m	m	Dispute on distribution of family lands.
128	3/24/2009	m	m	Dispute on belonging of land between neighbors.
129	1/20/2009	f	f	Demand of inherited land by a daughter.
130	4/28/2009	f	f	Dispute on land selling.
131	10/20/2009	f	m	Dispute on belonging of land between Tutsi survivors.
132	11/10/2009	m	m	Dispute on belonging of land.
133	12/1/2009	m	m	Dispute on selling of divided land with an old-case returnee.
134	12/22/2009	m	m	Dispute on land leasing.
135	9/29/2009	f	m	Border dispute between neighbors.
136	8/4/2009	f	m	Attempted fraud on land selling.
137	7/21/2009	m	m,m	Dispute on belonging of land between an original inhabitant and an old-case returnee.
138	2/24/2009	f	m	Border dispute.
139	10/9/2009	m	m	Illegal land occupation by a survivor.
140	1/5/2010	f	m	Border dispute between family members.
141	1/5/2010	m	m	Border dispute among neighbors.
142	7/14/2009	f	m	Dispute on belonging of land between family members.
143	11/10/2009	m	f	Dispute on land selling between husband and wife.
144	12/10/2009	m	m	Border dispute on an afforested area.
145	12/15/2009	m	m	Border dispute.

Source: Data collected by authors.